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OTIS ELEVATOR COMPANY
OTIS INTELLECTUAL PROPERTY DEPARTMENT
FARMINGTON, CONNECTICUT

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TELEPHONE: (860) 676-5761

ADDRESSEE: **PETITION**

FAX: 571-273-8300

SENDER: Ana Rivera

TOTAL NUMBER OF PAGES INCLUDING LEAD SHEET: 17

DATE: February 28, 2008

RE: US Patent Application 09/163,259
ELEVATOR SYSTEM HAVING DRIVE MOTOR LOCATED BETWEEN
ELEVATOR CAR AND HOISTWAY SIDEWALL (Adams et al.)
Our File: OT-4328

I hereby certify that the following document (attached) is being facsimile transmitted to the U.S. Patent and Trademark Office at (571) 273-8300 on February 28, 2008, for filing in the above-referenced application:

- Petition under 37 CFR 1.181(a) to Withdraw Holding of Abandonment (4 pages); and
- Exhibits A-D (12 pages).



Ana Rivera

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FEB 28 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Date: February 28, 2008
Frank W. Adams, et al. : Docket No.: OT-4328
Serial No.: 09/163,259 : Group No.: 3654
Filed: September 29, 1998 : Examiner: Eric E. Pico
Title: ELEVATOR SYSTEM HAVING DRIVE MOTOR LOCATED BETWEEN
ELEVATOR CAR AND HOISTWAY SIDEWALL

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT**

Sir:

Applicants hereby petition the Commissioner to withdraw the Examiner's holding of abandonment of the present application. This petition does not require a fee. *See* MPEP 711.03(c).

I. Background

Applicants received a Notice of Abandonment dated January 9, 2008 (hereinafter "Notice"). The Notice stated that the present application was abandoned for failure to respond to the Office Action mailed on March 29, 2007 (hereinafter "Office Action").

Applicants did not receive the Office Action at the correspondence address of record.

II. Showing to Establish Non-Receipt of Office Action

The Intellectual Property Department of Applicants (hereinafter "IP Department") maintains both a physical file (hereinafter "File Wrapper") and an electronic record in a software application (hereinafter "IP Management System") for the present application. As will be shown in detail below, both the File Wrapper and the IP Management System includes at least the following information: patent application number, attorney docket number, mailing date of office actions and due date for responses.

A. The File Wrapper

Upon receiving a paper from the Office, the IP Department will date stamp the paper, then add a description of the paper and the mailing date of the paper to the outer jacket of the corresponding file wrapper. Exhibit A provides one panel of the outer jacket of the File Wrapper¹. The File Wrapper does not include any entry for the Office Action.

The IP Department will then add a docketing stamp to the first page of the paper and insert the appropriate information regarding the paper on the file wrapper. Exhibit B provides a sample of the markings made to a paper received from the Office². Specifically, Exhibit B shows the date stamp and the docketing stamp.

Finally, the IP Department places the paper within the File Wrapper. The undersigned searched the papers in the File Wrapper, and did not uncover the Office Action.

¹ The IP Department's docket number for the present application is OT-4328. The Attorney Docket Number appearing in the Office records, 4167-13, was the docket number of the law firm that filed the original papers. The IP Department took over prosecution of this application in 1999 and does not use this docket number.

B. The IP Management System

In parallel to the aforementioned steps related to the File Wrapper, the IP Department also enters relevant information regarding the paper into the IP Management System. Using an Office Action as an example, the IP Department would add an "Office Action Received" activity to the matter and input the data requested by the software. Exhibit C shows the electronic record for the present application in the IP Management System³. The electronic record for the present application does not include any entry for the Office Action⁴.

Once the IP Department enters the particulars of the paper, the IP Management System adds reminders to the docketing list. As with any electronic list, the IP Management System allows the filtering of data in a variety of ways. Exhibit D shows the master docket list for June 29, 2007 (the 3 month due date of the Office Action) with no filters applied⁵. The master docket list does not include any entry for the Office Action.

III. Conclusion

In light of the foregoing, Applicants have established that Applicants did not receive the Office Action at the correspondence address of record. Applicants therefore believe the

² Since Applicants did not receive the Office Action at issue, Applicants obviously cannot show the markings made to that paper.

³ The file number used by the IP Management System (PA-000.04328-US) is slightly different than the docket number of the File Wrapper. The undersigned asserts that they represent the same matter.

⁴ The IP Department began using the IP Management System in early 2007, so activities prior to that do not appear in the electronic record at this time.

⁵ Applicants have redacted information related to non-US cases. The Office can see, with the information remaining, that these docket items relate to non-US cases since the IP Management System follows the PCT Country Code format (e.g. JP stands for Japan, WO stands for PCT applications, CN stands for China, etc.).

Commissioner should withdraw the Examiner's holding of abandonment and direct the Examiner to remail the Office Action.

Applicants authorize the Commissioner to charge any fees that may be due in connection with this petition, or to credit any overpayments, to Deposit Account No. 15-0750, Order No. OT-4328.

Respectfully submitted,

Adams et al.

A handwritten signature in black ink, appearing to read "Brian Hamilla", with a long horizontal line extending from the end of the signature.

Brian J. Hamilla
Registration No. 38,482

Otis Elevator Company
IP Department
Ten Farm Springs
Farmington, CT 06032
(860) 676-5760

Exhibit A File Wrapper

U.S. PATENT

INVENTOR P. Baranick, M. Chevallard
M. Kawarasaki, Y. Matsumoto
B. N. Cloux, J. P. Pagny
B. P. Menard, L. Aditoo
B. St. Pierre
W. F. Adams

PROJECT NO. OT 4328
 SERIAL NO. 39/163,259
 FILED September 29, 1998
 CONT. OF DIV. OF _____
 FWC SERIAL NO. _____
 FWC FILED _____ ATTY. MPH/ROH

TITLE Elevator System Having Drive Motor Located
Between Elevator Car and Hoisting Sideswall

ASSIGNED TO OTIS
 Recorded 1/11/99

Executed 11/20, 11/26, 12/30, 12/15
 Real 9688 Frame 8714

DATE	ACTION	DATE	ACTION
9/29/98	Open Filed w/USPTO	3-1-01	Notice of Appeal
12/14/98	Response to missing parts	10-1-01	Appeal Brief
1/18/99	IDS Filed	12-1-01	Examiner's Answer
3/11/99	Check Request to Payroll	3/10/02	Reply Brief
4/1/99	Copy of Assignment Recd.	5-28-06	Decision on Appeal
4/1/99	Change of filing address	5/28/06	Request for Rehearing
4/23/99	Received Assignment Recd.	12/1/06	Decision on Request for Rehearing
4/24/99	Supplemental IDS	2/15/07	RCE / Amended
7/16/99	Restriction Requirement		
7/22/99	Response to Restriction Requirement		
9/1/99	Office Action Recd.		
11/30/99	Response to O.A.		
2/17/00	Office Action Recd.		
10/2/00	1 mth Ext of Time		
	Request for Reconsideration		
3/18/00	Office Action Recd.		
11-17-00	Amendment w/ Attachments		

CORRESPONDING FOREIGN APPLICATIONS FF JP, CN, KR, BR, RU, IN, PT, ES, DE, IT, FR, TW

Country	Serial No.	Patent No.	Country	Serial No.	Patent No.
PT	PT, CN, KR, BR, RU, IN, PT, ES, DE, IT, FR				
Taiwan					

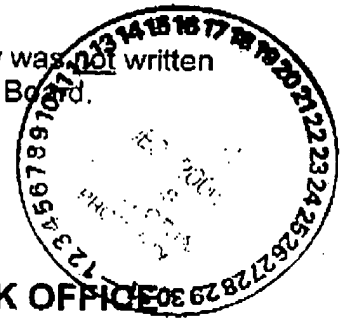
Combined w/OT 4334, OT 4349, OT 2719 and OT 4350

OTIS ELEVATOR COMPANY

Exhibit B
Sample Paper from Office

FEB 28 2008

The opinion in support of the decision being entered today was not written
for publication and is not binding precedent of the Board.



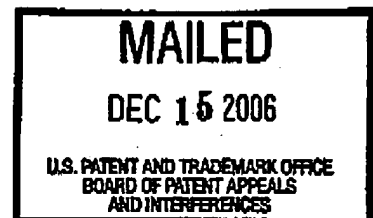
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES01-432A
SWO

Ex parte FRANK W. ADAMS, LEANDRE ADIFON, PEDRO BARANDA,
MARC CHEVILLIARD, JEAN-NOEL CLOUX,
MASASHI KAWARASAKI, YUTAKA MATSUMOTO,
JEAN-PIERRE MENARD, JEAN-PIERRE POUIGNY and
BRUCE ST. PIERRE

Appeal No. 2006-0422
Application No. 09/163,259

ON BRIEF



Before FRANKFORT, MCQUADE, and BAHR, Administrative Patent
Judges.

MCQUADE, Administrative Patent Judge.

ON REQUEST FOR REHEARING

OTIS IP DEPT.
DOCKETED 1/2/07
ACTION file RCE/Amend
DUE DATE 2/15/07
ATTY SWO

Pursuant to 37 CFR § 41.52(a)(1), Frank W. Adams et
al. request rehearing of our decision rendered March 28,
2006. In the decision, we sustained the examiner's 35
U.S.C. § 103(a) rejections of claims 1 and 19 as being
unpatentable over Aulanko (EP 0 710 618) in view of

Exhibit C
Electronic Record

Matter Overview

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Matter List



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Matter	Edit Matter Audit		
Title:	Elevator System Having Drive Motor Located Between Elevator Car and Hoistway ...	File #:	PA-000.04328-US
Type:	Utility - ORG	Country:	United States of America PTO
Parent Org:	United Technologies Corporation	Parent Org File #:	PA-000.04328-US
FIP ID:	203162	Publication Date:	
Status:	Pending	Matter Entity Size:	Large
Date Filed:	Sep 29, 1998	Issue Date:	
Serial #:	09/163,259	Patent #:	
Inactive Date:		Priority*:	Yes
Status Changed Date:	Apr 10, 2003		

Created by: CPICONV , Sep 29, 1998 Hosted By: United Technologies Corporation




















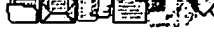
[Details](#) [Activities](#) [Entities](#) [Personnel](#) [References](#) [Related Matters](#) [Clusters](#) [Physical Files](#) [Public Messages](#) [Show All](#) -- Select --

Details

<input type="checkbox"/>	Activity	Description/Comments	Status	Date 1	Date 2	Quick Links	Edit
<input type="checkbox"/>	Matter Management	Order plaque when patent issues.	Open				Edit -- Add --
<input type="checkbox"/>	Miscellaneous Action	Petition for Revival due	Open: Docket Items	Petition for Revival Due : 02/29/2008			Edit -- Add --
<input type="checkbox"/>	Notice of Abandonment Received		Completed	Date Mailed : 01/09/2008	Date Received : 01/14/2008		Edit -- Add --
<input type="checkbox"/>	Miscellaneous Action	Miscellaneous Action - Awaiting Receipt of Notice of Abandonment from PTO expected 12/28/07	Completed	Date Entered : 11/29/2007			Edit -- Add --
<input type="checkbox"/>	Appeal to the CAFC	RCE FILED.	Completed	Date Filed : 02/15/2007			Edit -- Add --
<input type="checkbox"/>	Miscellaneous Action	RCE/Amendment Due	Completed	Date Done : 02/15/2007			Edit -- Add --
<input type="checkbox"/>	Request for Continued Examination (RCE) Filed	Request for Continued Examination (RCE) Filed	Completed	Date Filed : 02/15/2007	Postcard Received : 02/15/2007		Edit -- Add --
<input type="checkbox"/>	Preliminary Amendment Filed	Preliminary Amendment Filed	Completed	Date Filed : 02/15/2007	Postcard Received : 02/15/2007		Edit -- Add --
<input type="checkbox"/>	Appeal Decision Received	Decision Sustained	Completed	Date Received : 12/19/2006	Date Mailed : 12/15/2006		Edit -- Add --
<input type="checkbox"/>	Request Rehearing or Reopen Prosecution	Request rehearing filed.	Completed	Date Done : 05/30/2006			Edit -- Add --

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<input type="checkbox"/> <u>Appeal Decision Received</u>	Completed	Date Received : 03/31/2006	Date Mailed : 03/28/2006		Edit	-- Add --
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<input type="checkbox"/> <u>CPISTATUS LETTER</u>	Completed	Date Done : 06/02/2004	CPIBasedate : 05/21/2004		Edit	-- Add --
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<input type="checkbox"/> <u>CPIUS - Change of Atty. Address</u>	Completed	Date Done : 04/16/1999	CPIBasedate : 04/08/1999		Edit	-- Add --
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<input type="checkbox"/> <u>CPIIDS</u>	Completed	Date Done : 01/20/1999	CPIBasedate : 09/29/1998		Edit	-- Add --

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Exhibit D
Master Docket List

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Task Dates



Search :

Task Type: --All--

Assigned To: Anyone

For Countries: (Except) -- All --

Task Status: All

Matter Type: -- All --

Show Assignments: ☐

Snooze:

Tracked Date Range: Custom

Start Date 06/29/2007

End Date 06/29/2007

Date Types: ☒ Reminders ☒ Due Dates ☒ Final Deadlines☒ And☐ Activity Name:☐ Task Name:☐ Matter File #:☒ Organization: *OTIS*☐ Assigned Role: All

Refresh

---Select---

Excel Format

<input type="checkbox"/> Task Name	Description	Date Type	Due	
<input type="checkbox"/> Task Notes	Matter / Process	Task Type	Answer	
CPIDeferred Exam	CPIDeferred Exam	Due Date	Jun 29, 2007	Completed
<u>Notes</u>	[JP]	Docket Task	CPIDeferred Exam	
Chap 2 - National Stage Entry Deadline - Reminder	Chap 2 - National Stage Entry Deadline	Final Date	Jun 29, 2007	Completed
<u>Notes</u>	[WQ]	Docket Task	National Stage under Chapter II	
Annuity Payment Due	Payment Due	Due Date	Jun 29, 2007	Completed
<u>Notes</u>	[CN]	Docket Task	Annuity	
Annuity Payment Due	Payment Due	Final Date	Jun 29, 2007	Completed
<u>Notes</u>	[JP]	Docket Task	Annuity	
Annuity Payment Due	Payment Due in 3 months	Reminder	Jun 29, 2007	Completed
<u>Notes</u>	[EP]	Docket Task	Annuity	
Annuity Payment Due	Payment Due	Due Date	Jun 29, 2007	Completed
<u>Notes</u>	[BR]	Docket Task	Annuity	
Request Due	Request Due	Final Date	Jun 29, 2007	Completed
<u>Notes</u>	[BR]		Request Examination	
Annuity Payment Due	Payment Due	Due Date	Jun 29, 2007	Completed
<u>Notes</u>	[BR]	Docket Task	Annuity	
Request Due - Reminder	Request Due	Final Date	Jun 29, 2007	Completed
<u>Notes</u>	[CN]	Docket Task	Request Examination	

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Annuity Payment Due <u>Notes</u>	Annuity Payment Due [PA-000-05033-EP] [EP] [REDACTED] [REDACTED]	Final Date Docket Task	Jun 29, 2007 Annuity	Completed
Request Due <u>Notes</u>	Request Due [PA-000-05033-JP] [JP] [REDACTED] [REDACTED]	Final Date Docket Task	Jun 29, 2007 Request Examination	Completed
Request Due <u>Notes</u>	Request Due [PA-000-05033-RU] [RU] [REDACTED] [REDACTED]	Final Date Docket Task	Jun 29, 2007 Request Examination	Completed
Annuity Payment Due <u>Notes</u>	Payment Due [PA-000-05033-MY] [MY] Group [REDACTED] [REDACTED]	Due Date Docket Task	Jun 29, 2007 Annuity	Open
Application Status Check Due <u>Notes</u>	Status Check Due [PA-000-05033-HK] [HK] [REDACTED] [REDACTED]	Due Date Docket Task	Jun 29, 2007 Application Status Check	Completed
Response to Final Office Action Due <u>Notes</u>	Final Office Action Response Due - Final Deadline [PA-000-04812-US] [US] Elevator Belt Assembly with Waxless Coating	Final Date Docket Task	Jun 29, 2007 Amendment and Response to Final Office Action	Completed
Notice of Appeal Due <u>Notes</u>	Appeal Due - Final Deadline [PA-000-04812-US] [US] Elevator Belt Assembly with Waxless Coating	Final Date Docket Task	Jun 29, 2007 Notice of Appeal	Completed
Pre-Appeal Brief Due <u>Notes</u>	Pre-Appeal Brief Due - Final Deadline [PA-000-04812-US] [US] Elevator Belt Assembly with Waxless Coating	Final Date Docket Task	Jun 29, 2007 Notice of Appeal	Completed
Payment Due <u>Notes</u>	Payment Due [PA-000-05033-FR] [FR] [REDACTED] [REDACTED]	Final Date Docket Task	Jun 29, 2007 Annuity	Completed
Payment Due - Reminder <u>Notes</u>	Annuity Payment Due [PA-000-05033-DE] [DE] [REDACTED] [REDACTED]	Final Date Docket Task	Jun 29, 2007 Annuity	Completed
Payment Due - Reminder <u>Notes</u>	Payment Due [PA-000-05033-GB] [GB] [REDACTED] [REDACTED]	Final Date Docket Task	Jun 29, 2007 Annuity	Completed
Annuity Payment Due <u>Notes</u>	Payment Due in 3 months [PA-000-05033-EP] [EP] [REDACTED] [REDACTED]	Reminder Docket Task	Jun 29, 2007 Annuity	Completed
Request Due <u>Notes</u>	Request Due - Reminder [PA-000-05033-JP] [JP] [REDACTED] [REDACTED]	Reminder Docket Task	Jun 29, 2007 Request Examination	Completed
Request Due - Reminder <u>Notes</u>	Request Due - Reminder [PA-000-05033-CN] [CN] [REDACTED] [REDACTED]	Reminder Docket Task	Jun 29, 2007 Request Examination	Completed
PCT National Phase Filing Due (Ch1 or Ch2) <u>Notes</u>	PCT National Phase Filing Due (Ch1 or Ch2) [PA-000-05438-US] [US] Connection in Elevator [REDACTED]	Due Date Docket Task	Jun 29, 2007 PCT National Phase Filing (Ch1 or Ch2)	Completed
IDS Due	IDS Due [PA-000-05438-US] [US] Safety Device for Use in an Elevator	Due Date Docket Task	Jun 29, 2007 Information Disclosure	Completed

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Notes			Statement	
IDS Due	IDS Due [PA-000.05479-US] [US] Device for the Safety Stop of an Elevator...	Due Date	Jun 29, 2007	Completed
Notes		Docket Task	Information Disclosure Statement	
Payment Due	First Three Years Payment Due [PA-000.05479-US] [KRI] Device for the Safety Stop of an Elevator...	Final Date	Jun 29, 2007	Completed
Notes		Docket Task	Fees	
Voluntary Amendment Due - Advisory Reminder	Voluntary Amendment Due - Advisory Reminder [PA-000.05479-US] [CN] Device for the Safety Stop of an Elevator...	Reminder	Jun 29, 2007	Completed
Notes		Docket Task	Voluntary Amendment Due - Advisory Reminder	
Assign Personnel	Assign Personnel [ID-000.00000-US] [CN] Device for the Safety Stop of an Elevator...	Due Date	Jun 29, 2007	Open
Notes		Docket Task	New ID matter	
Created Physical File	Created Physical File [ID-000.00000-US] [CN] Device for the Safety Stop of an Elevator...	Due Date	Jun 29, 2007	Open
Notes		Docket Task	New ID matter	
Review Due Dates	Review Bar Dates [ID-000.00000-US] [CN] Device for the Safety Stop of an Elevator...	Due Date	Jun 29, 2007	Open
Notes		Docket Task	New ID matter	
Patent Expected	Date Expected [PA-000.04894-US] [US] Step Attachment on the Step Chain of an Elevator...	Reminder	Jun 29, 2007	Completed
Notes		Docket Task	Original Letters Patent	
Overall ID Verification	Overall ID Verification [ID-000.00000-US] [CN] Device for the Safety Stop of an Elevator...	Due Date	Jun 29, 2007	Completed
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Notes		Process Task	ID Verification	
ID Verification	ID Verification [ID-000.00000-US] [CN] Device for the Safety Stop of an Elevator...	Due Date	Jun 29, 2007	Completed
Notes		Process Task	ID Verification	

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